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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | | |
| ALBERTO MONTALVO, DANIEL HURTADO, | : | |
| FREDY RAMIREZ, JOSE RICARDO LOPEZ, | : | |
| MARIO VARGAS, MAURICIO SANTOS, | : | |
| VICTOR HUGO SERRANO, <i>ON BEHALF OF</i> | : | |
| <i>THEMSELVES, FLSA COLLECTIVE</i> | : | |
| <i>PLAINTIFFS, AND THE CLASS,</i> | : | |
| | : | |
| Plaintiffs, | : | 20-CV-1603 (VEC) |
| | : | |
| -against- | : | <u>ORDER</u> |
| | : | |
| | : | |
| FIG & OLIVE FOUNDERS LLC, FIG & OLIVE | : | |
| INC. <i>DOING BUSINESS AS</i> FIG & OLIVE | : | |
| UPTOWN, | : | |
| | : | |
| Defendants. | : | |
| -----X | | |

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 24, 2020, Plaintiffs filed a Complaint alleging violations of the Fair Labor Standards Act and related state law claims, Dkt. 1; and

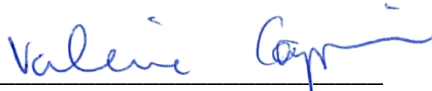
WHEREAS on October 30, 2020, Plaintiffs filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a), Dkt. 47;

IT IS HEREBY ORDERED that Plaintiffs must inform the Court by no later than **Friday, November 6, 2020**, whether the parties have entered in a settlement agreement to resolve Plaintiffs claims. If the parties have settled, the Court may not dismiss this action unless the settlement agreement has been approved by either the Court or the Department of Labor (DOL). *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). If the parties have not entered into a settlement agreement, Plaintiffs' counsel must submit a sworn affidavit

that his clients have agreed to dismiss the case without settlement and that counsel has informed his clients that they have the right to retain another attorney and refile the case.

SO ORDERED.

Date: October 30, 2020
New York, New York



VALERIE CAPRONI
United States District Judge